



**Submission No 28
(Supplementary)**

**Inquiry into Human Rights and Good Governance Education
in the Asia Pacific Region**

Organisation: National Committee on Human Rights
Education

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NATIONAL COMMITTEE ON HUMAN RIGHTS EDUCATION

Human Rights Sub-Committee

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National Committee for Human Rights Education



Additional questions

ToR 2: Australia's involvement in human rights and good governance education in the Asia Pacific region identifying achievements and obstacles to further progress.

- You suggest that the Australian Government host a national policy consultation involving Federal and State government and civil society? Can you elaborate? What would be the goals of the policy consultation?

We believe that the hosting of a national policy consultation involving the above agencies is of great importance to furthering human rights education in Australia. It is clear for instance that significant inroads have yet to be made into the consciousness of policy makers in the educational sector at federal level as to the importance of human rights education and the framework provided by the United Nations Decade for Human Rights Education.

In addition a follow up to this inquiry by the Sub-committee, for instance in hosting such consultations, would facilitate the further development of a national policy consensus on immediate steps to be pursued in terms of human rights education.

The goals of such consultation should centre on the development of a national framework for elaboration of human rights education in Australia and the region.

- Does the Commonwealth, particularly DFAT (and AusAID) provide enough high level and on-the-ground support for human rights and good governance education in the region and in international forums? How can human rights and good governance education be better incorporated into Australia's aid efforts and other interventions in the region (such as peace monitoring)?

In terms of the contribution of DFAT, where we have greater familiarity, we would like to commend the work done by DFAT over the years to promote human rights education at the General Assembly and the Commission on Human Rights as an important international issue. Australia has been one of the lead sponsors of UN resolutions on human rights education. We believe there is an important ongoing role for Australian foreign policy in promoting human rights education both within

international forums and regionally. We are less familiar with the work of AusAID but similarly believe it should take a leading role in promoting human rights education in the region. For instance AusAID might seek further opportunities to assist with funding for appropriate representatives to visit countries in the region and conduct or participate in programmes which deal with human rights and legal and administrative reform.

- Were you consulted in regard to human rights and good governance education prior to the commencement of the 59th Session of the UN Commission for Human Rights?

We were consulted by DFAT and we wrote to the Minister for Foreign Affairs urging the Australian government to support key findings of a report of the Office of the High Commissioner for Human Rights on a follow up to the UN Decade for Human Rights Education (a copy of which is attached). In particular we urged Australia to support the establishment of a 2nd Decade for Human Rights Education. We also supported increased funding of non-government organisations involved in endeavours around the UN Decade. (Our letter to the Minister is also attached).

ToR 3: The involvement of the UN and other international and regional government and non-government organisations in promoting human rights education and good governance in the Asia Pacific region.

- To what extent is the National Committee engaged with the UN and other international and regional governments and organisations?

While our resources are limited we have undertaken the following engagements:

- *Submission to the joint consultations of Human Rights Education Associates/UN Office of the High Commissioner for Human Rights on follow up to the UN Decade*
- *Human rights exchange with the China Society for Human Rights Studies in Beijing (CSHRS) in 2002*
- *Participation in the conference last year (2002) hosted by CSHRS in Beijing which drew representation from around the region.*
- *Establishment of links with the Hurights Osaka a regionally active human rights education NGO through exchange of documentation.*
- *Correspondence with the UN Secretary General Kofi Annan regarding the Citizenship of Humanity Project*
- *Visit by our President to the UN Office of the High Commissioner for Human Rights in Geneva and had discussion with the Deputy High Commissioner and other senior officers regarding the Decade*
- *Invitation to the former and current High Commissioners to speak at our conferences the next one to be held in Sydney in October entitled " Human Rights – New Paradigms and New Responsibilities" This will be a regional conference.*
- *The Former Australian Ambassador to the UN was an Advisor to the National Committee.*

- In its mid-term review of the Decade, the UN stated that 'non-governmental organisations are key actors' and that there is a 'growing need for increased collaboration and coordination between governmental and non-governmental actors in respect of their human rights activities'. What is the National Committee's view of this issue? Does the Government provide enough support to non-government organisations involved in human rights and good governance in the region?

We concur with the conclusions of the mid-term review in this regard. While the National Committee wishes to acknowledge the kind contribution of the Federal Government to the work of the National Committee, particularly through the Attorney-General's department, the reality faced by the Committee is of the need for substantially increased funding if continuing inroads are to be made in the promotion of human rights education.

In this regard we would like to note our proposal for the establishment of a National Human Rights Education Centre, the funding of which would go a long way towards furthering the goals of the UN Decade for Human Rights Education. Even the provision of sufficient funds to establish a full-time secretariat would provide enormous impetus to our endeavours to foster Human Rights Education. Funds beyond this to enable the systematic fostering of relationships with like-minded agencies in the Asia-Pacific are also necessary. Briefly greater funding is essential.

ToR 4: Progress made in the Asia Pacific region towards the realisation of the goals of the United Nations Decade for Human Rights Education.

- How does Australia compare to other countries in the region in regard to progress towards achieving the goals of the Decade for Human Rights Education?

Again while we have not undertaken a systematic survey of progress within the region, Australia cannot be said to be leading in terms of pursuit of the goals of the Decade as compared to others in the region.

In our chief submission we have already commented on a number of countries of the region including Iran and Vietnam. China for instance, with the assistance of the Office of the UN High Commissioner for Human Rights has taken significant steps in developing programs and implementing policies in pursuit of the Decade. The Philippines, also has taken a range of steps to implement programs. We might also mention the example of Fiji, where a member of our National Committee, Professor Chris Sidoti, has facilitated in the development of a Fiji National Action Plan for Human Rights Education.

The comment of the UN in the mid-term review, that generally speaking governments have a long way to go in responding to the Decade, is true of Australia and most countries in the region.

- What more needs to be done on a regional level to achieve the goals of the Decade for Human Rights Education?

Much more can be done in terms of a regional focus. The Decade has really simply initiated the contribution that human rights education potentially can make to a world which is more peaceful and which better respects and protects human rights for all individual members of the human family. To our knowledge no country of the region has in place comprehensive human rights education plans and programs as envisaged pursuant to the Decade. Indeed we had been urged by various HR Commissioners from the region to set up the National Centre so as to lend leadership and support on human rights education to the region.

- Are there any particular trouble spots in the Asia Pacific region that require special attention in regard to human rights and good governance education? If so, what should Australia be doing?

While a number of countries can be referred to, for instance the activities of Australia in support of education of government officials in Burma, we would like to focus our comments on Indonesia. It is clear that extremist ideologies inimical to basic human rights have played a significant role in fostering significant violence throughout parts of Indonesia. This violence has manifested in a range of ways, including significant religious conflict. More broadly the violation of human rights and absence of a human rights education framework to temper extremism may well contribute to conflicts in parts of Indonesia.

We believe Australia can and should play a role, through its aid agency and diplomacy, in partnership ventures with the Indonesian government, in promoting and supporting human rights education as a vehicle to counter ideologies based on the justification of violence and hatred.

- You cite the example of China as a case study in the Asia Pacific where human rights education is playing a significant role in opening pathways for promotion and protection of human rights (*submission p.12*). How can the lessons learned from China be incorporated into your programs and transferred to other countries in the region?

A key benefit to be derived from a study of the Chinese experience is the example it provides of a functioning governmental program involving extensive human rights education initiatives.

In terms of Australia, a consideration of the steps taken by China suggest avenues that could be explored domestically to achieve similar aims, as relevant to an Australian context. For countries of the region a key lesson that emerges from the Chinese experience, is the catalytic and supportive effect of intervention by the Office of the UN High Commissioner for Human Rights. The experience potentially provides a model for other countries of the region that could be replicated either directly by Australia drawing on the UN experience, or indirectly by funding and encouraging the UN Office to undertake similar programs in other countries.

A topical issue that might be mentioned in this respect is the role that Australia could (and arguably should) play in the current post-conflict stage in Iraq. Australia (for instance in East Timor) has gained considerable experience in the development of mechanisms for the protection of human rights in a context where human rights were previously less protected. Accordingly we would like to suggest that Australia (in addition to other contributions it might make) examine how it can:

- a. contribute to human rights education in Iraq*
 - b. contribute to the establishment of an independent human rights commission functioning in accordance with the Paris Principles*
 - c. assist any interim Iraqi authority in the drafting of legislation or other materials that may assist in the firm establishment of effective protection of the law against human rights violations.*
- **Do you consider the lack of a regional human rights mechanism as a significant obstacle to effective and sustainable human rights and good governance education in the region?**

Rather than being seen as an obstacle we would regard consultation around a human rights mechanism appropriate to the region as an important vehicle for the advancement of human rights for all countries in the region. In other words we believe that Australia, without necessarily having a fixed view of what form such a mechanism might take, should regard the current absence of a regional mechanism as an opportunity to be explored and developed.

Australia should play a lead role in encouraging regional discussion of regional human rights mechanism that would address the gap that our region now experiences, for there is no doubt that the development of such mechanisms can only serve to strengthen the cause of human rights and human rights education.

While the absence of such a mechanism means that the region is behind the rest of the world, the positive side is that the experience of other regions can be drawn on in advancing an Asia-Pacific model that will make a real contribution to human rights in the region.

We also believe that Australia should not shy away from consideration of sub-regional mechanisms (for instance working with like-minded democracies in the Asia-Pacific) in order to provide a regional human rights kernel that might later be expanded to include other countries. Such a sub-regional mechanism might for instance prove to be a launching ground for an Asia-pacific human rights tribunal for the transnational application of human rights norms.

Australia has a good reputation as an education provider to the region for the past 50 years. Whilst there may be apprehensions and sensitivities about Australian human rights "incursion" on the part of countries in the region, no such reservation exists for education services. It seems logical therefore to package human rights and governance promotion as an educational initiative to develop the human resources of the countries concerned to help them cope better in the new era. Clearly China has appreciated this point.

It is interesting to note that as the Australian population becomes more diverse and complex, we have found that an educational approach to human rights promotion is strongly embraced by all the people. It has never been divisive. It is an approach worth developing.

- ACFOA cites the region's size and diversity as an obstacle to progress on human rights and good governance education. How and to what extent do you take cultural and societal diversity into account when developing and delivering human rights education programs?

Human rights education is only of meaning if it is relevant to the context of the participants and addresses their needs, experiences and perceptions. To some extent it is necessary to take such diversity into account. Indeed a point made to us in China is that there is by no means uniformity of approaches to human rights within western culture (e.g. the differences of approach between the European countries and the countries of America). It is important to therefore not rule out an approach because it happens to differ in secondary respects from our own. Furthermore, although there continues to be argument from one or two sources that there is a fundamental discord between the so called "western" and "Asian" approaches to human rights, equally persuasive voices from both sets of cultures argue that the differences are of secondary importance and that there is consensus that

- human rights are universal*
- both civil and political rights and economic social and cultural rights are integral to human rights*

Furthermore, while there is diversity at many different levels, experience has shown that detailed exploration can identify significant areas of common ground. The experience of the Law Association for Asia and the Pacific (LAWASIA) over nearly four decades bears this out in the context of the development of Asian contract law, development banking and other areas. LAWASIA (The Law Association of Asia and the Pacific), is an association of lawyers, Judges and teachers of law in countries of the Asia Pacific Region of the United Nations. The objects of the Association are to promote the rule of law, the observance of human rights and the independence of the judiciary and members of the legal profession in the region. LAWASIA was founded at a meeting in Canberra in August 1966 at about the same time that the Asian Development Bank was established in Manila, Philippines.

In particular, it has been evidenced by the consensus achieved in relation to the independence of the judiciary as a basic element in securing human rights, as evidenced by the agreement of the Chief Justices of 22 countries of the region to the Beijing Statement of Principles of the Independence of the Judiciary in the Asia Pacific Region adopted at the Fifth Conference of Chief Justices of the Asia and the Pacific at Beijing in 1995. There was a minor amendment made to the Statement in Manila in 1997 to accommodate the accession to the Statement by Japan. To date, the Chief Justices of 38 countries in the region have subscribed to the Statement. The degree of consensus is remarkable, having regard to the diversity of cultural, legal, political, religious and other backgrounds of the countries in the region. Indeed Australia played a leading role in the development of this consensus, through the work of Chief Justice David Malcolm in the drafting of the Statement and chairing

the Conferences of Chief Justices of Asia and the Pacific since the third such conference in 1991.

In addition, the adoption by the special administrative region of China, namely, Hong Kong, with the tacit agreement of the People's Republic of the International Covenant on Civil and Political Rights as part of its domestic law, is a very significant development which sets a standard that could form the basis of education in countries in the region which also enables comparisons to be made with countries such as Canada, the United States and New Zealand, each of which has adopted a form of Bill of Rights which, combined with the enactment by the United Kingdom of the European Convention on Human Rights as part of its domestic law, has produced a series of precedents which have been studied closely in a number of countries including China. Education and information about these various provisions has considerable potential for future developments in this area.

In short, human rights derive from fundamental and shared human truths, such as the sanctity of human life, the inherent worth of justice, and the importance of peace and harmony between all members of the community. In this respect diversity is of marginal importance. The challenge, as evidenced by the examples above, is to see beyond diversity and to pursue that which is common to all societies, in the cause of human rights, while allowing for legitimate differences of approach in response to the particular needs and contexts of particular communities.

- *How can the effectiveness of human rights education be better monitored in the region? Does, or should, the National Committee play a monitoring role? How does the National Committee monitor and assess the effectiveness of its programs?*

The increased funding of a diversity of non-government and governmental efforts in the field of human rights education can play a significant role in assisting in monitoring and fostering efforts in the region. The National Committee, through the proposed National Centre believes that it can and should play such a role. In the context of our currently limited resources, the National Committee has sought to maximise its ability to build a picture of human rights education in Australia and the region through networking with organizations and individuals involved in human rights education and through events such as the two conferences which the National Committee has been involved in hosting.

*On behalf of the
The National Committee on Human Rights Education (Inc.)
11 May 2003*